

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION

This Document Relates To:

Civil Action Nos. 1:00-2132; 1:02-153;
1:00-2146; 1:00-1267; 1:00-1610; 1:00-1242;
1:00-1268; 1:00-2147; 1:00-1605; 1:00-2443;
1:00-2143; 1:00-2149; 1:00-1603; 1:00-2445;
1:00-1602; 1:00-1265; 1:00-1266; 1:00-2117;
1:00-2302; 8:99-3897; 1:00-1606; 1:00-1243;
1:00-1608; 1:00-1262; 1:00-1272; 1:00-2142;
1:00-2148; 1:00-1263; 1:00-2141; 1:00-2441;
1:00-2144; 1:00-2145; 1:00-1607; 1:02-3397;
1:00-3471; 1:00-2450; 1:00-2139; 1:00-1273

MDL Docket No. 1332
Hon. J. Frederick Motz

~~PROPOSED~~ ORDER

For the reasons stated at the November 5, 2004 hearing, it is hereby ORDERED that Microsoft Corporation's Motion to Dismiss Complaints Superseded by the Consolidated Class Action Complaint and Motion to Dismiss, or for Summary Judgment on, Certain Complaints Asserting State Law Claims, be, and they hereby are, granted in part as follows

1 The following 13 actions, in which plaintiffs failed to respond to Microsoft's motions, are dismissed in their entirety:

Campbell v. Microsoft Corp. (No. 1:00-1267)
Colebank v. Microsoft Corp. (No. 1:00-1610)
Haynes v. Microsoft Corp. (No. 1:00-2149)
Jaffe v. Microsoft Corp. (No. 1:00-1603)
Manson v. Microsoft Corp. (No. 1:00-2302)
McCall v. Microsoft Corp. (No. 8:99-3897)
McWhinney v. Microsoft Corp. (No. 1:00-1606)
Mims v. Microsoft Corp. (No. 1:00-1243)
Nielsen v. Microsoft Corp. (1:00-1262)

South Dakota Ass'n of Plumbing, Heating, and Cooling Contractors v. Microsoft Corp. (No. 1:00-1607)
Sujan v. Microsoft Corp. (No. 1:02-3397)
Supernovich v. Microsoft Corp. (No. 1:00-3471)
Weinke v. Microsoft Corp. (No. 1:00-1273)

2 The following 2 actions asserting claims under West Virginia law are also dismissed in their entirety:

Gianni v. Microsoft Corp. (No. 1:00-2147)
Penix v. Microsoft Corp. (No. 1:00-2148)

3 The following 7 actions were superseded by the Consolidated Class Action Complaint (filed in this Court on July 12, 2000) and are therefore administratively closed, subject to an application for reinstatement only if the Court's February 15, 2001 dismissal of plaintiffs' damages claims is reversed by the United States Court of Appeals for the Fourth Circuit on appeal:

GTI Systems Integrators, Inc. v. Microsoft Corp. (No. 1:00-2443)
Hagan v. Microsoft Corp. (No. 1:00-2143)
Kloth v. Microsoft Corp. (No. 1:00-1266)
Pacific Coast Systems v. Microsoft Corp. (No. 1:00-2142)
Shevek v. Microsoft Corp. (No. 1:00-2144)
Shirazi v. Microsoft Corp. (No. 1:00-2145)
Tinkham v. Microsoft Corp. (No. 1:00-2450)

4 All claims for equitable relief under federal law in any action against Microsoft, including all claims for equitable relief in the Consolidated Class Action Complaint, *Kloth v. Microsoft Corp.* (No. 1:00-2117), are dismissed. Thus, the complaint in its entirety is dismissed in *Kloth v. Microsoft Corp.* (No. 1:00-2117).


5 Pending further information with respect to an appeal pending before the Supreme Court of Ohio, the following actions are stayed:

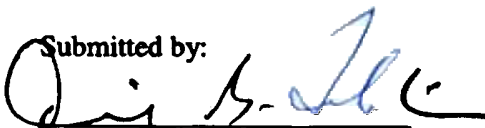
Glase v. Microsoft Corp. (No. 1:00-1605)
Kloth v. Microsoft Corp. (No. 1:00-1265)

6. The Court has reserved decision with respect to Microsoft's motions pertaining to the following actions:

Aikens v. Microsoft Corp. (No. 1:00-2132)
Automatik Design, Inc. v. Microsoft Corp. (No. 1:02-153)
Brandt v. Microsoft Corp. (No. 1:00-2146)
Cox v. Microsoft Corp. (No. 1:00-1242)
Davenport v. Microsoft Corp. (No. 1:00-1268)
James T. Brems, P.C. v. Microsoft Corp. (No. 1:00-2445)
Klein v. Microsoft Corp. (No. 1:00-1602)
Moon v. Microsoft Corp. (No. 1:00-1608)
O'Neill v. Microsoft Corp. (No. 1:00-1272)
R. Pryor v. Microsoft Corp. (No. 1:00-1263)
W. Pryor v. Microsoft Corp. (No. 1:00-2141)
Ray v. Microsoft Corp. (No. 1:00-2441)
Turner Corp. v. Microsoft Corp. (No. 1:00-2139)

Dated: December 29, 2004


J. Frederick Motz
United States District Judge


Submitted by: 

David B. Tulchin
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
(212) 558-4000

Michael F. Brockmeyer
Jeffrey D. Herschman
PIPER RUDNICK LLP
6225 Smith Avenue
Baltimore, Maryland 21209-3600
(410) 580-3000

Attorneys for Microsoft Corporation

Reviewed as to form:


Stanley M. Chesley
Robert Heuck II
WAITE, SCHNEINDER, BAYLESS &
CHESLEY
1513 Central Trust Tower
Fourth and Vine Streets
Cincinnati, Ohio 45202
(513) 621-0267

Michael D. Hausfeld
COHEN, MILSTEIN, HAUSFELD and
TOLL PLLC
1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 408-4600

Plaintiffs' Lead Counsel Committee Co-Chairs